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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,091	09/05/2000	Johann Meseth	GR 98 P 3112	8366

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EXAMINER

KEITH, JACK W

ART UNIT

PAPER NUMBER

3641

DATE MAILED: 08/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/655,091

Applicant(s)

Meseth

Examiner

Jack Keith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 29, 2002
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above, claim(s) 9-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gluntz (EP 0 620 560) in view of either one of Shirochika (JP 05-196776) or Ishimoto (JP 62-108939).

Gluntz (figure 1) discloses applicant's inventive concept. A containment vessel for a nuclear reactor having an interior space (26), a condensing chamber (30) containing a cooling liquid located within said interior space, a pressure chamber disposed in said interior space, a condenser (54/64) in flow communication (60) with said pressure chamber through a flow path, a drain pipe (66) having a top and bottom end disposed in said interior space and in fluidic

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connection between the top region of the pressure chamber and the condensing chamber. The drain pipes bottom end being immersed in said condensing chamber. Gluntz further discloses a condensing pipe (34) leading into the condensing chamber and ending below the bottom of said drain pipe.

Note that it appears that during a casualty situation the high temperature steam surrounding the collection chamber (64) would cause the collection chamber to function as a heat exchanger, thus the cooled condensate and non-condensable gases from heat exchanger (54) would be somewhat heated.

While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

Gluntz does not disclose the drain pipe (66) as not being connected to the condenser (64).

Not connecting the drain pipe to the condenser is not novel in the heat exchange/condenser art. Such techniques, as in the use of a drain pan located below the heat exchange/condenser, are well none in the art. Such is evident by the teaching of either Shirochika or Ishimoto wherein drain pans are utilized below condensing media. In fact a home dehumidifier or refrigerator utilizes such. Clearly, modification of Gluntz to have incorporated known drain pipe designs/techniques is not an inventive leap as one having ordinary skill in the art at the time the invention was made is well versed in such conventionally known heat exchange/condenser designs/techniques.

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4. Claims 2, 4, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gamble et al (6,069,930) in view of either one of Shirochika (JP 05-196776) or Ishimoto (JP 62-108939).

Gamble (figure 1) discloses applicant's inventive concept. A containment vessel for a nuclear reactor having an interior space (12), a condensing chamber (26) containing a cooling liquid located within said interior space, a pressure chamber disposed in said interior space, a condenser (54) in flow communication with said pressure chamber through a flow path, a drain pipe (60/64) having a top and bottom end disposed in said interior space and in fluidic connection between the top region of the pressure chamber and the condensing chamber. The drain pipes bottom end being immersed in said condensing chamber. Note that the drain pipe assembly of Gamble directs the flow of steam during a casualty above the condenser.

It appears that the condenser (54) of Gamble is disposed within the pressure chamber.

Further note that Gamble discloses a condensing pipe (36/38/48) in fluidic communication with the interior space (12) and the condensing chamber (26).

While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

Gamble does not disclose the drain pipe (64) as not being connected to the condenser (54).

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Not connecting the drain pipe to the condenser is not novel in the heat exchange/condenser art. Such techniques, as in the use of a drain pan located below the heat exchange/condenser, are well none in the art. Such is evident by the teaching of either Shirochika or Ishimoto wherein drain pans are utilized below condensing media. In fact a home dehumidifier or refrigerator utilizes such. Clearly, modification of Gamble to have incorporated known drain pipe designs/techniques is not an inventive leap as one having ordinary skill in the art at the time the invention was made is well versed in such conventionally known heat exchange/condenser designs/techniques.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Keith whose telephone number is (703) 306-5752. The examiner can normally be reached on Monday through Friday from 7:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached on (703) 306-4198. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

jwk

July 26, 2002


MICHAEL A. CARONE
SUPERVISORY PATENT EXAMINER